



US Army Corps
of Engineers
Sacramento District
1325 J Street
Sacramento, CA 95814-2922

Public Notice

Number: 200500599

Date: January 20, 2006

Comments Due: February 20, 2007

SUBJECT: The U.S. Army Corps of Engineers, Sacramento District, (Corps) is evaluating a permit application to construct the Contra Costa Canal Encasement project, which would result in impacts to approximately 46.76 acres of waters of the United States, including wetlands, in, adjacent or tributary to Rock Slough. This notice is to inform interested parties of the proposed activity and to solicit comments. This notice may also be viewed at the Corps web site at <http://www.spk.usace.army.mil/regulatory.html>.

AUTHORITY: This application is being evaluated under Section 10 of the Rivers and Harbors Act of 1899 for structures or work in or affecting navigable waters of the United States and/or Section 404 of the Clean Water Act for the discharge of dredged or fill material in waters of the United States.

APPLICANT: Contra Costa Water District David A. Briggs
1331 Concord Avenue
P.O. Box H2o
Concord, California 94524
925-688-8073

LOCATION: The project site is located in Sections 33, 28, 29, 30, 19, 24, 25, Township 2 North, Ranges 2 & 3 East, near the City of Oakley, in eastern Contra Costa County, California, and can be seen on the Jersey Island USGS Topographic Quadrangle.

PROJECT DESCRIPTION: The applicant is proposing to replace the existing eastern unlined section, approximately 21,000 linear-feet of the Contra Costa Water District Canal with a buried pipeline. Based on the available information, the overall project purpose is to protect water quality and improve public safety. The applicant believes there is a need to improve Contra Costa Water Districts water delivery infrastructure. The attached drawings provide additional project details. The proposed project involves installing 21,000 feet of buried pipeline in place of the existing unlined portion of the Contra Costa Canal, a water supply aqueduct. The pipeline installation would occur between the Rock Slough trash rack and Pumping Plant (PP1). The proposed pipeline would be installed in the U.S. Department of Interior, Bureau of Reclamation's (Reclamation's) approximately 300-foot canal right-of-way (ROW). The proposed project includes permanently filling 46.76 acres of waters of the United States including 42.92 acres of open water, 3.844 acres of in-channel freshwater marsh and temporarily affecting 6.64 acres of waters of the United States, including wetlands. The applicant believes that implementing the proposed project would meet CCWD's project purpose and need to protect and improve drinking water quality, protect public safety, increase system security, reduce seepage into and out of the canal, reduce flood risks along the unlined portion of the canal, and enhance compatibility with planned land uses in the project area. The historically agricultural land uses adjacent to the canal are being converted to urban use and wetlands/habitat restoration projects. The applicant has proposed to begin construction in late 2007. Initially a coffer dam and fish barriers are proposed to be constructed to ensure that sensitive aquatic species are isolated from the construction area. Fish rescue and dewatering of the construction area is proposed to begin in spring 2008 with the first phase of construction completed by the fall of 2008. Although the timing and extent of future phases of pipeline construction depend on the availability of funding, the entire unlined canal is estimated to be replaced by a pipeline by 2016.

ADDITIONAL INFORMATION:

Environmental Setting. There are approximately acres of 53.4 wetlands within the project area. The site is characterized by 42.92 acres of open water canal, 3.84 acres of freshwater marsh along the canal bank, 6.64 acres of adjacent wetlands and 135.6 acres of agricultural/urban land in the 189 acre project site.

Alternatives. The applicant has not provided information concerning project alternatives. Additional information concerning project alternatives may be available from the applicant or their agent. Other alternatives may develop during the review process for this permit application. All reasonable project alternatives, in particular those which may be less damaging to the aquatic environment, will be considered.

Mitigation. The Corps requires that applicants consider and use all reasonable and practical measures to avoid and minimize impacts to aquatic resources. If the applicant is unable to avoid or minimize all impacts, the Corps may require compensatory mitigation. The applicant has provided a preliminary mitigation proposal consisting of wetlands creation at Holland Tract has been provided to the Corps for its review. The proposed mitigation/wetland creation site encompasses 263 acres and is located approximately 1.63 miles east of the Contra Costa Canal intake at Rock Slough. The applicant has proposed a mitigation wetlands ration of 1:1 replacement for acreage of waters of the United States and wetlands permanently affected by the proposed project. The proposed mitigation plan calls for creation of wetlands from Holland Tract to be phased consistent with the timing of project impacts. The first phase of proposed project construction is estimated to require no more than 12 acres of created wetlands at the Holland Tract, assuming that approximately 5,000 feet of the unlined canal is replaced.

OTHER GOVERNMENTAL AUTHORIZATIONS: Water quality certification or a waiver, as required under Section 401 of the Clean Water Act from the California Regional Water Quality Control Board is required for this project. The applicant has not indicated they have applied for certification.

HISTORIC PROPERTIES: The Contra Costa Canal was determined eligible for listing in the National Register of Historic Places (NRHP) at the state and local level in March 2005. The State Historic Preservation Officer (SHPO) concurred with this determination. On May 3, 2006, Reclamation initiated consultation for the Canal Replacement Project with SHPO under Section 106 of the National Historic Preservation Act. Reclamation determined that the replacement of the unlined canal would constitute an adverse effect on the canal and developed a draft memorandum of agreement (MOA) to mitigate the adverse effects. The MOA also describes the location of subsurface excavation to determine whether buried archaeological remains are present in the encasement area. In October 2006, the MOA was signed by both Reclamation and SHPO. The signing and implementation of the MOA represent Reclamation's completion of the Section 106 process for the Canal Replacement Project.

ENDANGERED SPECIES: The proposed activity may affect Federally-listed endangered or threatened species or their critical habitat. In November 2005, Reclamation initiated consultation with USFWS and NMFS pursuant to Section 7 of the Endangered Species Act.

ESSENTIAL FISH HABITAT: The proposed project may adversely affect Essential Fish Habitat. Reclamation has consulted with NMFS for effects on Essential Fish Habitat, as defined in the Magnuson-Stevens Fishery Conservation and Management Act.

The above determinations are based on information provided by the applicant and our preliminary review.

EVALUATION FACTORS: The decision whether to issue a permit will be based on an evaluation of the probable impacts, including cumulative impacts, of the described activity on the public interest. That decision will reflect the national concern for both protection and utilization of important resources. The benefit, which reasonably may be expected to accrue from the described activity, must be balanced against its reasonably foreseeable detriments. All factors which may be relevant to the described activity will be considered, including the cumulative effects thereof; among those are conservation, economics, aesthetics, general environmental concerns, wetlands, historic properties, fish and wildlife values, flood hazards, floodplain values, land use, navigation, shoreline erosion and accretion, recreation, water supply and conservation, water quality, energy needs, safety, food and fiber production, mineral needs, consideration of property ownership and, in general, the needs and welfare of the people. The activity's impact on the public interest will include application of the Section 404(b)(1) guidelines promulgated by the Administrator, Environmental Protection Agency (40 CFR Part 230).

The Corps is soliciting comments from the public, Federal, State, and local agencies and officials, Indian tribes, and other interested parties in order to consider and evaluate the impacts of this proposed activity. Any comments received will be considered by the Corps to determine whether to issue, modify, condition, or deny a permit for this proposal. To make this decision, comments are used to assess impacts on endangered species, historic properties, water quality, general environmental effects, and other public interest factors listed above. Comments are used in the preparation of an Environmental Assessment and/or an Environmental Impact Statement pursuant to the National Environmental Policy Act. Comments are also used to determine the need for a public hearing and to determine the overall public interest of the proposed activity.

SUBMITTING COMMENTS: Written comments, referencing Public Notice 200500599, must be submitted to the office listed below on or before February 20, 2007:

William Guthrie, Project Manager
US Army Corps of Engineers, Sacramento District
Delta Office
1325 J Street, Room 1480
Sacramento, California 95814-2922
Email: William.H.Guthrie@usace.army.mil

The Corps is particularly interested in receiving comments related to the proposal's probable impacts on the affected aquatic environment and the secondary and cumulative effects. Anyone may request, in writing, that a public hearing be held to consider this application. Requests shall specifically state, with particularity, the reason(s) for holding a public hearing. If the Corps determines that the information received in response to this notice is inadequate for thorough evaluation, a public hearing may be warranted. If a public hearing is warranted, interested parties will be notified of the time, date, and location. Please note that all comment letters received are subject to release to the public through the Freedom of Information Act. If you have questions or need additional information please contact the applicant or the Corps' project manager William Guthrie, 916-557-5269, William.H.Guthrie@usace.army.mil.

Attachments: 4 drawings